IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3682 of 2007(A)

(CRIME NO. 304/2007 of VALAPATTANAM POLICE STATION)

PETITIONER:

VIMAL KUMAR P., S/O.NARAYANAN,
AGED 29 YEARS, KOTTAKKAL HOUSE,
MATTOOL CENTRAL, KANNUR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS: COMPLAINANT:

THE STATION HOUSE OFFICER,
VALAPATTANAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
THALASSERY.

BY ADV. SRI. S.U. NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 3682 Of 2007

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Dated this the 19th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. He faces allegations under Section 498A IPC. The co-accused has been granted anticipatory bail already by the learned Magistrate.

2. Learned counsel for the petitioners prays, learned Public Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 can be issued in favour of the petitioner. In coming to this conclusion, I take note of the fact that the marriage still subsists and the marriage took place only in 2004. Arrest and incarceration of the petitioner is likely to mar the marital tie beyond repair. Appropriate conditions can of course be imposed.

3. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioner shall surrender before the Learned Magistrate having jurisdiction at 11 a.m on 26.06.2007. He shall be released on regular bail on his executing a bond for Rs.25,000/-

(Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m. and 4 p.m on 27.06.2007 and thereafter he shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, until further orders.

iii) If the petitioner does not surrender before the learned Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law.

iv) If the petitioner were arrested prior to his surrender before the learned Magistrate as directed in clause (i) above, he shall be released forthwith on his executing a bond of Rs.25,000/-(Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate as directed in clause(i) above.

(R.BASANT, JUDGE)

sj